



General Assembly

January Session, 2011

***Raised Bill No. 6333***

LCO No. 3051

\*03051\_\_\_\_\_GAE\*

Referred to Committee on Government Administration and Elections

Introduced by:  
(GAE)

***AN ACT CONCERNING PROVISIONAL BALLOTS FOR STATE AND MUNICIPAL ELECTIONS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 9-232c of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 The moderator shall keep an accurate memorandum of the  
4 challenge which shall include (1) the name of the challenged voter; (2)  
5 his registry list address; (3) the reason for the challenge; (4) the name  
6 and address of the challenger; (5) pertinent facts concerning the  
7 challenge; and (6) the result of the moderator's decision. The  
8 challenged voter shall also sign such memorandum and it shall be  
9 assigned the same number as the [challenged] provisional ballot.

10 Sec. 2. Section 9-232i of the general statutes is repealed and the  
11 following is substituted in lieu thereof (*Effective from passage*):

12 As used in this section and [sections] section 9-23r [and 9-232l,]  
13 "election for federal office" means an election for electors of President  
14 and Vice-President, an election or primary for United States Senator

15 and an election or primary for Representative in Congress.

16 Sec. 3. Section 9-232j of the general statutes is repealed and the  
17 following is substituted in lieu thereof (*Effective from passage*):

18 The moderator of the election in each voting district shall appear at  
19 the office of the [town clerk] registrar of voters not later than eight  
20 o'clock p.m. of the day before an election. [for federal office.] At such  
21 time, the [town clerk] registrars of voters shall provide a provisional  
22 ballot packet to such moderator or moderators. Each packet shall  
23 include: (1) The appropriate number of provisional ballots, [for federal  
24 office provided by the Secretary of the State,] which shall be equal to  
25 not less than one per cent of the number of electors who are eligible to  
26 vote in the voting district served by the moderator, or such other  
27 number as the [municipal clerk and the] registrars of voters agree is  
28 sufficient to protect electors' voting rights, (2) the appropriate number  
29 of serially-numbered envelopes prescribed by the Secretary, (3) a  
30 provisional ballot inventory form, (4) a provisional ballot depository  
31 envelope, and (5) other necessary forms prescribed by the Secretary.

32 Sec. 4. Section 9-232k of the general statutes is repealed and the  
33 following is substituted in lieu thereof (*Effective from passage*):

34 The Secretary of the State shall prescribe [and provide to town  
35 clerks] the provisional ballot which shall be [a] the regular ballot of  
36 candidates. [for federal office.] The Secretary may prescribe that the  
37 provisional ballot be the [overseas] ballot prepared under section [9-  
38 158i] 9-135b.

39 Sec. 5. Section 9-232l of the general statutes is repealed and the  
40 following is substituted in lieu thereof (*Effective from passage*):

41 (a) An individual may apply for and be issued a provisional ballot if  
42 (1) the individual appears at the polling place and declares that such  
43 individual is an elector in the town in which the individual desires to  
44 vote and that the individual is eligible to vote in the primary or

45 election [for federal office] in the polling place, but the name of the  
46 individual does not appear on the official registry list for such polling  
47 place, and (2) the registrars determine that such name cannot be  
48 restored under section 9-42 or transferred from another polling place  
49 under section 9-35.

50 (b) If the moderator decides that an elector, whose name appears on  
51 the registry list and who has been challenged pursuant to [sections]  
52 section 9-232, [to 9-232f, inclusive,] is not eligible to vote in the primary  
53 or election, [for federal office,] such elector may apply for and cast a  
54 provisional ballot upon the execution of a written affirmation by the  
55 elector at the polling place affirming that the elector is qualified to vote  
56 in the election or primary [for federal office] in the polling place and  
57 has neither offered himself or herself to vote nor voted in person or by  
58 absentee ballot at said election or primary [for federal office] at the  
59 polling place.

60 (c) Such application for provisional ballot shall be prescribed by the  
61 Secretary of the State, executed before an election official and include a  
62 written affirmation, under penalty of false statement in absentee  
63 balloting pursuant to section 9-359a, which shall be in the form  
64 substantially as follows:

65 AFFIRMATION: I, the undersigned, do hereby state, under  
66 penalties of false statement, that:

67 1. I am an elector in the town indicated.

68 2. I am eligible to vote in the election or primary indicated [for  
69 federal office] today in the town and polling place indicated.

70 3.a. My name does not appear on the official list of eligible voters for  
71 the polling place indicated, and the polling place officials called the  
72 registrars of voters and were told that my name did not appear on the  
73 active registry list for this town for at least one of the four years  
74 previous or on one of the preliminary active registry lists for this year;

75 or

76 b. The moderator decided that I am not eligible to vote [for federal  
77 office] in the town indicated for the reason of disfranchisement, lack of  
78 identity, lack of bona fide residence or failure to present the prescribed  
79 identification required for new electors after January 1, 2003, indicated.

80 4. My residence address is located in the voting district that this  
81 polling place serves.

82 5. I have not voted and I will not vote otherwise than by this ballot  
83 in person or by absentee ballot at this election or primary. [for federal  
84 office.]

85 6. I apply for a provisional ballot. [for federal office.]

86 Sec. 6. Section 9-232n of the general statutes is repealed and the  
87 following is substituted in lieu thereof (*Effective from passage*):

88 Immediately after the close of the polls, the moderator shall seal the  
89 provisional ballot depository envelope and deliver such envelope to  
90 the registrars of voters of the town. The registrars of voters shall  
91 forthwith verify the information contained with each provisional  
92 ballot. If the registrars of voters determine that the applicant is eligible  
93 to vote, they shall note their decision on the outer envelope of the  
94 ballot and open and count the provisional ballot in accordance with  
95 the provisions of sections 9-232i to 9-232o, inclusive, as amended by  
96 this act, and procedures prescribed by the Secretary of the State. If the  
97 registrars of voters are unable to determine that the applicant is  
98 eligible to vote or determine that the applicant is not eligible to vote,  
99 the applicant's provisional ballot sealed envelope shall be marked  
100 "rejected", along with the reason for such rejection, and signed by the  
101 registrars of voters. The registrars of voters shall verify and count all  
102 provisional ballots in their town not later than six days after the  
103 election or primary. The registrars of voters shall forthwith prepare  
104 and sign in duplicate a report showing the number of provisional

105 ballots received from electors, the number rejected and the number  
 106 counted, and showing the additional votes counted for each candidate  
 107 [for federal office] on the provisional ballots. The registrars of voters  
 108 shall file one report with the town clerk and shall seal one in the  
 109 depository envelope with the provisional ballots and file such  
 110 depository envelope with the town clerk. The depository envelope  
 111 shall be preserved by the town clerk for the period of time required to  
 112 preserve counted absentee ballots. [for federal elections.] The head  
 113 moderator shall forthwith file a corrected return [for federal offices]  
 114 with the town clerk and the Secretary showing (1) the final votes after  
 115 any recanvass, pursuant to sections 9-311 to 9-311b, inclusive, the votes  
 116 on provisional ballots and the totals, and (2) the number of provisional  
 117 ballots received from electors, the number rejected and the number  
 118 counted, as reported by the registrars of voters.

119 Sec. 7. Subsection (e) of section 9-236b of the general statutes is  
 120 repealed and the following is substituted in lieu thereof (*Effective from*  
 121 *passage*):

122 (e) For use at elections [for federal office] and primaries, the  
 123 Secretary of the State shall prescribe and the [municipal clerk]  
 124 registrars of voters shall provide for all polling places in the  
 125 municipality: (1) Instructions on how to cast a provisional ballot, (2)  
 126 instructions for mail-in registrants and first-time voters who register to  
 127 vote by mail on or after January 1, 2003, (3) general information  
 128 concerning voting rights under federal and Connecticut laws,  
 129 including information on the right of an individual to cast a  
 130 provisional ballot and instructions on how to contact the appropriate  
 131 officials if these rights are alleged to have been violated, and (4)  
 132 general information on federal and state laws concerning prohibitions  
 133 on acts of fraud and misrepresentation.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	9-232c
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Sec. 2	<i>from passage</i>	9-232i
Sec. 3	<i>from passage</i>	9-232j
Sec. 4	<i>from passage</i>	9-232k
Sec. 5	<i>from passage</i>	9-232l
Sec. 6	<i>from passage</i>	9-232n
Sec. 7	<i>from passage</i>	9-236b(e)

***Statement of Purpose:***

To authorize the use of provisional ballots for state and municipal elections and primaries and to use provisional ballots in place of challenged ballots.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*